

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 CYNTHIA L. CZUCHAJ, a) Civil No. 13cv1901 BEN(RBB)
12 California resident,)
13 individually and on behalf of) CASE MANAGEMENT CONFERENCE
14 herself and all others) ORDER REGULATING DISCOVERY AND
15 similarly situated; ANGELIQUE) OTHER PRETRIAL PROCEEDINGS
16 MUNDY, a Pennsylvania resident,) (Rule 16, Fed.R.Civ.P.) (Local
17 individually and on behalf of) Rule 1)
18 herself and all others)
19 similarly situated; BARBARA)
20 MCCONNELL, a Michigan resident,)
21 individually and on behalf of)
22 herself and all others similar)
23 situated; PATRICIA CARTER, a)
24 New York resident, individually)
and on behalf of herself and)
all others similarly situated,)
Plaintiffs,)
v.)
CONAIR CORPORATION, a Delaware)
corporation; DOES 1-10,)
inclusive,)
Defendants.)

25 Pursuant to rule 16 of the Federal Rules of Civil Procedure, a
26 case management conference was held on January 16, 2015. After
27 consulting with the attorneys of record for the parties and being
28 advised of the status of the case, and good cause appearing,

1 IT IS HEREBY ORDERED:

2 1. All discovery shall be completed by all parties on or
3 before November 16, 2015; this includes discovery ordered as a
4 result of a discovery motion. All motions for discovery shall be
5 filed no later than thirty (30) days following the date upon which
6 the event giving rise to the discovery dispute occurred. The 30-
7 day deadline will not be extended without a prior Court order;
8 counsel cannot unilaterally extend the deadline. For example,
9 ongoing meet-and-confer efforts, rolling document productions, or
10 supplemental discovery responses do not extend the deadline. **A**
11 **failure to comply will bar the party from filing a corresponding**
12 **discovery motion.** For oral discovery, the event giving rise to the
13 discovery dispute is the completion of the transcript of the
14 affected portion of the deposition. For written discovery, the
15 event giving rise to the discovery dispute is the service of the
16 response. All interrogatories, requests for admission, and
17 document production requests must be served by September 14, 2015.

18 2. Plaintiff(s) shall serve on all other parties a list of
19 expert witnesses whom Plaintiff(s) expect(s) to call at trial by
20 September 14, 2015. Defendant(s) shall serve on Plaintiff(s) a
21 list of expert witnesses Defendant(s) expect(s) to call at trial by
22 October 13, 2015. Each party may supplement its designation in
23 response to the other party's designation no later than October 26,
24 2015. The parties must identify any person who may be used to
25 present evidence pursuant to Rules 702, 703 or 705 of the Federal
26 Rules of Evidence. This requirement is not limited to retained
27 experts. The designation(s) shall comply with rule 26(a)(2) of the
28 Federal Rules of Civil Procedure and be accompanied by a written

1 report prepared and signed by each witness, including in-house or
2 other witnesses providing expert testimony. The failure to fully
3 comply with these requirements may result in the exclusion of
4 expert testimony. A written report is not required from a witness
5 giving testimony as a percipient expert.

6 3. Any motion to join other parties, to amend the pleadings
7 or to file additional pleadings shall be filed and heard on or
8 before August 17, 2015.

9 Any motion for class action certification is to be filed and
10 served by July 13, 2015.

11 4. All other pretrial motions must be filed on or before
12 December 18, 2015. Please be advised that counsel for the moving
13 party must obtain a motion hearing date from the law clerk of the
14 judge who will hear the motion. **Be further advised that the period**
15 **of time between the date you request a motion date and the hearing**
16 **date may vary from one district judge to another. Please plan**
17 **accordingly.** For example, you should contact the judge's law clerk
18 in advance of the motion cutoff to calendar the motion. Failure to
19 timely request a motion date may result in the motion not being
20 heard.

21 Questions regarding this case should be directed to the
22 judge's law clerk. The Court draws the parties' attention to Local
23 Rule 7.1(e)(4) which requires that the parties allot additional
24 time for service of motion papers by mail. Papers not complying
25 with this rule shall not be accepted for filing.

26 Briefs or memoranda in support of or in opposition to any
27 pending motion shall not exceed twenty-five (25) pages in length
28 without leave of the judge who will hear the motion. No reply

1 memorandum shall exceed ten (10) pages without leave of the judge
2 who will hear the motion.

3 5. A telephonic attorneys-only settlement conference shall
4 be held on July 23, 2015, at 8:30 a.m. Counsel for Plaintiff is to
5 initiate the call. Further settlement conferences shall be held at
6 appropriate intervals during the course of the litigation before
7 Judge Ruben B. Brooks, Courtroom 2C. A mandatory settlement
8 conference date will be set at one of the scheduled settlement
9 conferences.

10 All parties, claims adjusters for insured Defendants and non-
11 lawyer representatives with complete authority to enter into a
12 binding settlement, as well as the principal attorneys responsible
13 for the litigation, must be present and legally and factually
14 prepared to discuss and resolve the case at the mandatory
15 settlement conference and at all settlement conferences. Retained
16 outside corporate counsel shall not appear on behalf of a
17 corporation as the party representative who has the authority to
18 negotiate and enter into a settlement. Failure to attend or obtain
19 proper excuse will be considered grounds for sanctions.

20 If Plaintiff is incarcerated in a penal institution or other
21 facility, the Plaintiff's presence is not required at conferences
22 before Judge Brooks, and the Plaintiff may participate by
23 telephone. In that case, defense counsel is to coordinate the
24 Plaintiff's appearance by telephone.

25 **Confidential written settlement statements for the mandatory**
26 **settlement conference shall be lodged with Judge Brooks no later**
27 **than five court days before the mandatory settlement conference.**
28 The statements need not be filed with the Clerk of the Court or

1 served on opposing counsel. The statements will not become part of
2 the court file and will be returned at the end of the conference
3 upon request. Written statements may be lodged with Judge Brooks
4 either by mail, by email, or by delivery to the Clerk's Office.

5 Any statement submitted should avoid arguing the case.
6 Instead, the statement should include a neutral factual statement
7 of the case, identify controlling legal issues, and concisely set
8 out issues of liability and damages, including any settlement
9 demands and offers to date and address special and general damages
10 where applicable.

11 If appropriate, the Court will consider the use of other
12 alternative dispute resolution techniques.

13 6. Counsel shall serve on each other and file with the Clerk
14 of the Court their memoranda of contentions of fact and law in
15 compliance with Local Rule 16.1(f)(2) on or before March 14, 2016.
16 On or before this date, all parties or their counsel shall also
17 fully comply with the pretrial disclosure requirements of rule
18 26(a)(3) of the Federal Rules of Civil Procedure.

19 7. Counsel shall confer and take the action required by
20 Local Rule 16.1(f)(4) on or before March 21, 2016. The parties
21 shall meet and confer and prepare a proposed pretrial order. A
22 personal meeting between an incarcerated Plaintiff, acting in pro
23 per, and defense counsel is not required.

24 At this meeting, counsel shall discuss and attempt to enter
25 into stipulations and agreements resulting in simplification of the
26 triable issues. Counsel shall exchange copies and/or display all
27 exhibits other than those to be used for impeachment, lists of
28 witnesses and their addresses including experts who will be called

1 to testify and written contentions of applicable facts and law.
2 The exhibits shall be prepared in accordance with Local Rule
3 16.1(f)(2)(c). Counsel shall cooperate in the preparation of the
4 proposed final pretrial conference order.

5 8. The proposed final pretrial conference order, including
6 objections to any party's Fed. R. Civ. P. 26(a)(3) pretrial
7 disclosures, shall be prepared, served and lodged with the Clerk of
8 the Court on or before April 4, 2016, and shall be in the form
9 prescribed in and in compliance with Local Rule 16.1(f)(6).
10 Counsel shall also bring a court copy of the pretrial order to the
11 pretrial conference.

12 9. The final pretrial conference shall be held before the
13 Honorable Roger T. Benitez, United States District Judge, on April
14 11, 2016, at 10:30 a.m.

15 10. The dates and times set forth herein will not be modified
16 except for good cause shown.

17 11. Plaintiff's(s') counsel shall serve a copy of this order
18 on all parties that enter this case hereafter.

19
20 Dated: January 21, 2015


RUBEN B. BROOKS
United States Magistrate Judge

22 cc: All Parties of Record
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CASE RESOLUTION GUIDELINES

Attendance

All parties and claims adjusters for insured Defendants and representatives with complete authority to enter into a binding settlement, as well as the principal attorney(s) responsible for the litigation, must be present and legally and factually prepared to discuss and resolve the case. Failure to attend or obtain proper excuse will be considered grounds for sanctions.

Case Resolution Conference Briefs

Written statements, when specifically requested, shall be lodged no later than five court days before the scheduled conference. The statements will not become part of the court file. Written statements may be submitted on a confidential basis and lodged with Judge Brooks either by mail, by e-mail, or hand-delivery to the Clerk's Office in an envelope clearly marked "Confidential - Do Not File."

Any statement submitted should avoid arguing the case. Instead, the statement should include a neutral factual statement of the case and concisely set out issues of liability and damages, including any settlement demands and offers to date, and address special and general damages where applicable.

If appropriate, the Court will consider the use of other alternative dispute resolution techniques.

If you have any further questions, please feel free to contact my research attorney, at (619) 557-3404.